

R E M A R K S

Applicant wishes to thank Examiner Odland for granting the recent telephone interview at which time claims 1 and 30 were discussed.

Drawings are being inked and will be forwarded.

The specification is corrected at page 12, line 18, to refer to opening 53', as seen for example at Fig. 5.

Claim 30 has been amended to define the second component as having a second tab (as for example at 30), an arm (as for example at 51) and a projection (as at 50), together forming a generally Z-shaped configuration. See also sub-paragraph c) of amended claim 30 defining the relation of the two Z-shaped configurations to define a hinge interfit. See also c) added to claim 30 to recite not only the hinge interfit of claim 31, but also one of the components extending through an opening defined by the other component. All of this is recited in a dual Z-shaped component configuration (see a) of claim 30).

Note also:

- 1) Maruyama lacks suggestion of two Z-shaped components one extending through an opening defined by the other. His device is of one-piece construction only. To break his device into two components would weaken it, and not be obvious.

- 2) Maruyama lacks suggestion of a two-piece device as in 1) above, where barbs and tabs are provided.
- 3) There is no motivation to use Lerch's barbs in Maruyama in spaced relation to a hinge interfit opening, since no such hinge and opening structure is provided in either reference.
- 4) No reference provides for two-piece hinging interfit of two Z-shaped components, with barbs.
- 5) The other cited art is even less pertinent than Maruyama and/or Lerch.

Accordingly, claim 30 and all dependent claims are urged to be allowable over the cited art. (Changes to claim 30 were discussed with Examiner.)

Claim 1 has been amended to depend from claim 30, and further defines over the art, as follows:

- 1) Maruyama's clip device 21, 22 or 40 lacks three tabs as defined above in claim 1.
- 2) Maruyama's clip lacks multiple barbs extending longitudinally in two rows (at h) of claim 1.
- 3) Maruyama's clip lacks barbs at edges of each of second and third tabs - he has no second and third tabs, as per 1) above.
- 4) Neither Maruyama or Lerch suggest the configurations of tabs and barbs, as recited in f), g) and h) of claim 1 and no motivation is shown from these references to provide a third tab, with barbs as in g) and h) of claim 1.
- 5) Maruyama's device is not configured with tabs and barbs to grip bones as shown in applicant's Fig. 4, so there is no motivation to modify Maruyama's device massively to configure it as in applicant's Fig. 4.

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Remaining dependent claims define even further over cited art, which fails to teach or suggest their contents. Newly cited 6,537,277 fails to suggest any remaining claim, and particularly the totality of claim 30 as amended.

Terminal Disclaimers will be forwarded to overcome the double patenting objections.

In view of all of the above, and the interview, reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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